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PATENT DIVISION  
Attorney Docket No.: 018684-001312US

Commissioner for Patents  
Attn: Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

2004 AUG -6 PM 2:31

July 29, 2004

TOWNSEND and TOWNSEND and CREW LLP

By:

*Shirboni Barnes Orlum*

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Theodore W. Watler et al.

Application No.: 10/801,494

Filed: March 15, 2004

For: METHOD AND SYSTEM FOR  
DATA RATING FOR WIRELESS  
DEVICES

Examiner:

Art Unit:

TRANSMITTAL LETTER –  
RESPONSE TO NOTICE OF MISSING  
PARTS

Attn: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application, dated June 2, 2004, enclosed are the following to be made of record in the above-identified application:

- 1) Supplemental ADS;
- 2) Notification of Possible Error in Small Entity Status; and
- 3) Copy of Notice of Missing Parts.

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Please charge Deposit Account No. 20-1430 for the following fees:

Large Entity:	(a)	Filing Fee (§ 1.16(a)) (Large Entity)	\$770
	(b)	Excess Claims Fees (§ 1.16(b), (c)):	
		46 - 20 = 26            x \$18 =	\$468
		2 - 3 = 0                x \$86 =	\$0
	(d)	Missing Parts Surcharge	\$130
<b>TOTAL FEES TO BE CHARGED</b>			<b>\$1,368</b>

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in duplicate.

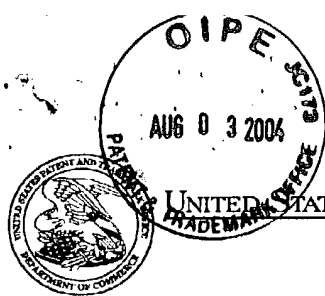
Respectfully submitted,



Horace H. Ng  
Reg. No. 39,315

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415 576-0300  
HHN:sba

PATENT AND TRADEMARK  
DIVISION

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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2004 AUG -6 PM 2:30

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/801,494	03/15/2004	Theodore W. Walter	018684-001312US

RECEIVED

CONFIRMATION NO. 1858

20350

TOWNSEND AND TOWNSEND AND CREW, LLP AUG 10 2004  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

FORMALITIES LETTER



\*OC000000012845566\*

OFFICE OF PETITIONS

Date Mailed: 06/02/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$234 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$684 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$234

08/04/2004 AAD0F01 00000052 201430 10801494  
01-FC:1001 770.00-DA  
02-FC:1202 468.00-DA  
03-FC:1051 130.00-DA  
Adjustment date: 08/05/2004 AAD0F01 00000052 201430 10801494  
01-FC:1001 770.00-ER  
02-FC:1202 468.00-ER  
03-FC:1051 130.00-ER

INITIAL PATENT EXAMINATION  
DIVISION

- \$234 for 26 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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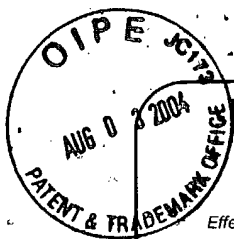
*A copy of this notice MUST be returned with the reply.*

*E. J. Eger*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1368

## Complete if Known

Application Number 10/801,494

Filing Date March 15, 2004

First Named Inventor Watler, Theodore W. 2004 AUG -6 PM 2:31

Examiner Name

Art Unit

Attorney Docket No. 018684-001312US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$770)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims					
46	-20** =	26	X \$18		\$468
Independent Claims	2	-3** =	0	X \$86	\$0
Multiple Dependent			X		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$468)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	130
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$130)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Horace H. Ng

Registration No. (Attorney/Agent)

39,315

Telephone

415-576-0200

Signature

Date

7/28/04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re application of:

Theodore W. Watler, Kenin Spivak, S.  
Robert Pye and Jerry Hanley

Application No.: 10/801,494

Filed: March 15, 2004

For: Method And System For Data Rating  
For Wireless Devices

Examiner:

AUG 1 0 2004

Art Unit:

OFFICE OF PETITIONS

NOTIFICATION OF POSSIBLE ERROR  
IN SMALL ENTITY STATUS AND  
PAYMENT OF LARGE ENTITY FEES  
UNDER 37 CFR §1.28(c)

July 29, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

U.S. Patent Application Serial No. 10/801,494 was filed on March 15, 2004 and claimed small entity status for its prosecution fees in good faith. The assignee of the above-referenced application, Telemac Corporation ("Telemac"), has significantly less than 500 employees and believes that it may well be entitled, both previously and presently, to claim small entity status. Nonetheless, since Telemac does not want any doubt about its claim to small entity status to affect the validity of its valuable patent rights, Telemac is hereby submitting the present Notification Of Possible Error In Small Entity Status pursuant to 37 C.F.R. §§ 1.28(c)(1) and (c)(2).

In compliance with the requirements of 37 C.F.R. § 1.28(c)(2), Telemac is submitting the following calculation and itemization of the filing fees to be paid:

08/09/2004 DALLEN 00000032 201430 10801494

01 FC:1461 date: 1368.00 DA  
08/09/2004 DALLEN 00000032 201430 10801494  
01 FC:1461 1368.00 CR

08/17/2004 AKELLEY 00000006 201430 10801494

01 FC:1001 770.00 DA  
02 FC:1202 468.00 DA  
03 FC:1051 130.00 DA

Appln. No.: 10/013,794  
Page 2

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ITEMIZATION AND CALCULATION OF FEES OWED

DATE APPLN. FILED	TYPE OF FEE	SMALL ENTITY FEE SHOWN ON USPTO NOTICE	APPLICABLE LARGE ENTITY FEE PAID HEREWITH
3/15/2004	Application filing fee- Utility	\$385.00	\$770.00
	Surcharge - Late filing fee or oath or declaration	\$65.00	\$130.00
	26 extra claims in excess of 20	\$234.00	\$468.00

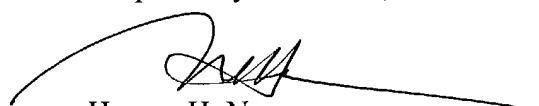
**TOTAL PAYMENT: \$1,368.00**

In order to excuse any possible error in claiming small entity status for the above-referenced application, the undersigned hereby authorizes the Commissioner to deduct the total fees of \$1,368.00 from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account. A duplicate of this sheet is enclosed.

Telemac understands that, under 37 CFR §1.27(g)(2) and §1.28(d), this submission is treated as a notification of loss of small entity status.

If the U.S. Patent and Trademark Office believes a telephone conference would expedite processing of this Notification, please telephone the undersigned at (415) 576-0200.

Respectfully submitted,

  
Horace H. Ng  
Reg. No. 39,315

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
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H1N:sba  
60270877 v1